

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALLISTER REGISTER,

Plaintiff,

- against -

THE CITY OF NEW YORK, ERIK M. HIRSCH, JOHN
AND JANE DOES-Police officers as yet unidentified,

NOTICE OF REMOVAL

Case No. # 21 Civ 6220

Law Dep't No.: 2020-022953

Defendants.

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**TO: THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

Defendant THE CITY OF NEW YORK (hereinafter "the City"), by and through its attorney, Georgia M. Pestana, Acting Corporation Counsel of the City of New York, respectfully shows this Court as follows:

1. On June 24, 2021, the City was served with a Summons and Verified Complaint in the above-entitled action, pending in the Supreme Court of the State of New York, County of New York, under Index No. 155912/2021, naming the City as a defendant therein, and setting forth the claims for relief upon which the action is allegedly based. A copy of Plaintiff's Summons and Verified Complaint, dated June 24, 2021, is annexed hereto as "Exhibit A."

2. A copy of the proof of service concerning service of the Summons and Verified Complaint on THE CITY OF NEW YORK is annexed hereto as "Exhibit B."

3. The above-captioned action is a civil action of which the United States District Court has original jurisdiction in that it includes causes of action which arise under the Constitution and laws of the United States, pursuant to 28 U.S.C. § 1331. This action is

therefore removable to the United States District Court without regard to the citizenship or residence of the parties.

4. Plaintiff brings this lawsuit pursuant to 42 U.S.C. § 1983 alleging, *inter alia*, federal claims of false arrest, false imprisonment, excessive force and denial of due process. See Ex. A. Plaintiff also asserts, *inter alia*, state law claims of false arrest, false imprisonment, assault and battery, and negligent hiring, training and retention. See Ex. A.

5. Defendant ERIK HIRSCH consents to the removal of this action to the United States District Court for the Southern District of New York. A copy of the Consent to Removal Form of Erik Hirsch is annexed hereto as "Exhibit C."

6. This Notice of Removal is timely because it is being filed within thirty (30) days of receipt of the initial pleading by the City, and all defendants consent to its removal. See 28 U.S.C. § 1446(b).

7. The City will promptly file a copy of this Notice of Removal with the Clerk of the state court in which the action has been pending.

8. The City is unaware of any previous application for the relief requested herein.

WHEREFORE, the City respectfully requests that the above-captioned action be removed from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York
July 21, 2021

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